

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

MARCUS CHOICE WILLIAMS
A/K/A AYANA SATYAGRAHI

VS.

M. K. LEWIS, ET AL.

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CIVIL ACTION NO. 1:19-CV-42

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, a prisoner currently confined at the United States Penitentiary in Leavenworth, Kansas, proceeding *pro se* and *in forma pauperis*, filed this civil action pursuant to *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommended granting Plaintiff's motion to dismiss.

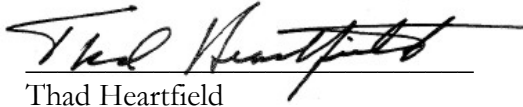
The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and the pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties, but Plaintiff filed a motion to stay the proceedings. At the time the motion was filed, Plaintiff expected to be transferred to a prison facility within the jurisdiction of the United States Court of Appeals for the Fifth Circuit, and wished to pursue this action in the event of that transfer. Instead of being transferred to a prison within the jurisdiction of the Fifth Circuit, Plaintiff was transferred to the penitentiary in Leavenworth, Kansas, and has not pursued this action.

Because Plaintiff did not object to the Report and Recommendation, and has not indicated an interest in pursuing this case, it appears that Plaintiff still wishes to dismiss this action. In the event that Plaintiff does wish to litigate this action, the court will reopen the case if Plaintiff files a motion to reopen the case within sixty days of the date the judgment is entered.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (document no. 66) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this the **15** day of **March, 2022**.


Thad Heartfield
United States District Judge